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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,498	09/05/2000	Donald C.D. Chang	PD-200114	8312

20991 7590 04/07/2004

THE DIRECTV GROUP INC  
PATENT DOCKET ADMINISTRATION RE/R11/A109  
P O BOX 956  
EL SEGUNDO, CA 90245-0956

EXAMINER

VUONG, QUOCHIE B

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 04/07/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/655,498

Applicant(s)

CHANG ET AL.

Examiner

Quochien B Vuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-80 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,5,9-19 and 22-80 is/are allowed.
- 6) ☒ Claim(s) 1-3,6-8,20 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Request for Continued Examination (RCE)***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/12/03 has been entered.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 12/12/03 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-3, 6-8, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seligsohn (WO 95/04407) in view of Ames (US 5,233,626).

As to claims 1 and 6, Seligsohn discloses a method for communicating between a user terminal 20, which has an antenna 7a, and multiple stratospheric transponder platforms (see the balloon platforms 28 in figure 1) comprising the step of maintaining stratospheric transponder platforms in a substantially fixed position with respect to a user terminal antenna coupled to a user terminal (see page 7 lines 1-24). Seligsohn, however, fails to disclose the user terminal antenna does not have to track the stratospheric platforms and communicating between the user terminal and at least two of the stratospheric transponder platforms concurrently as recited in the claim. Ames discloses a mobile communication system for providing communication between a user terminal 7 and a plurality of platforms (see numerals 3, 4, 6. See also column 4 lines 1-13), and the user terminal antenna does not have to track the platforms (since the platforms can be provided in satellites in geosynchronous earth orbit, see column 2, lines 25-30). Ames further discloses communicating between the user terminal and at least two of the stratospheric transponder platforms concurrently (see column 2 lines

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20-39; column 4 lines 1-14, lines 51-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Ames to Seligsohn, in order to obtain a fade free communications between the user terminal and transmitting station (as suggested by Ames at column 2 lines 20-39).

As to claims 2, 7, and 21, the combination of Seligsohn and Ames discloses that the user terminal communicates with the at least two of the stratospheric transponder platforms using the same frequency band (Ames employs spread spectrum communication as set forth at column 4 lines 15-50).

As to claims 3 and 8, the combination of Seligsohn and Ames discloses that the user terminal communicates with one of the at least two of the stratospheric transponder platforms at a first data rate and with another of the at least two of the stratospheric transponder platforms at a second data rate (see Ames, column 8 lines 17-39).

As to claim 20, it is rejected for the same reasons as set forth in claim 1 above. In addition, the above combination fails to disclose multiple beams at the user terminal as claimed. However, the examiner takes Official Notice that such multiple beams are known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above conventional multiple beams to the above combination, in order to improve signal reception at the user terminal by reducing signal interference.

***Allowable Subject Matter***

5. Claims 4-5, 9-19, 22-80 are allowed over the cited prior art.

Claims 4-5, 9-19, and 22-80 are allowable with the same reasons set forth in the previous Office action (paper #10).

***Response to Arguments***

6. Applicant's arguments filed 12/12/03 have been fully considered but they are not persuasive.

Regarding claims 1-3, 6-8, 20, and 21, Applicant argues that the combination of Seligsohn and Ames fails to teach "communicating separate communication signals between the user terminal and at least two of the stratospheric platforms concurrently" and "the user terminal antenna does not have to track the platforms". The examiner, however, does not agree with the Applicant. The Applicant's attention is directed to Ames (figure 1, and column 4, lines 1-13) which clearly discloses a mobile communication system for providing communication separate communication signals between a user terminal (7) and a plurality of platforms (3, 4, and 6). Since "separate communication signals" are not necessary different signals, therefore the cited above of Ames's reference reads on the claimed limitation. Further Ames also teaches the user terminal antenna does not have to track the platforms since the platforms can be provided in satellites in geosynchronous earth orbit (see column 2, lines 25-30).

For the reasons above examiner believes that the rejection of claims 1-3, 6-8, 20, and 21 are proper.

***Conclusion***

**7. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2021  
Crystal Drive, Arlington, VA 22202. Sixth Floor (Receptionist).

Any inquiry concerning this communication from the examiner should be directed to Quochien B. Vuong whose telephone number is (703) 306-4530. The examiner can normally be reached on Monday through Friday from 9:30 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached on (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377.



**QUOCHIEN B. VUONG  
PRIMARY EXAMINER**

Quochien B. Vuong  
April 01, 2004.